

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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RALPH COMPAGNONE, :  
: Plaintiff, : 18-CV-6227 (ALC) (OTW)  
: :  
: -against- : **ORDER**  
: :  
MJ LICENSING COMPANY, et al., :  
: Defendants. :  
: :  
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**ONA T. WANG, United States Magistrate Judge:**

The Court will hold an evidentiary hearing in this matter on **Thursday, June 1, 2023 at 11:00 a.m.** in Courtroom 20D, 500 Pearl Street, New York, NY 10007. The Court will take testimony at the hearing and expects Defendants to produce evidence and witnesses competent to testify to the following factual gaps in the record:

- When a litigation hold was imposed, if ever, and the specific parameters of the hold;
- Whether such hold, if imposed was ever modified, limited, or expanded, and if so, when and how;
- What other specific steps were taken to avoid the loss of ESI, whether reasonable or not;
- The timing and nature of Margaretha Rady's incapacity and/or departure from MJ Licensing and whether any efforts to preserve Ms. Rady's ESI were made before such date;

- Whether Mr. Dash and Mr. Russo undertook to search their personal email accounts at any time;
- What steps, if any, have been taken to restore, replace, or obtain the missing data, and when those steps were taken;
- Any such other factual gaps regarding Defendants' preservation, retention, and deletion of emails that are not addressed in ECF Nos. 101 and 102.

The Court notes that Plaintiff's motion has been pending since April 5, 2021. Failure to provide competent evidence by the hearing date may result in the Court construing an absence of evidence against the Defendants.

If any lawyer or witness seeks to bring an electronic device to the hearing, they shall file an electronic device order by May 26, 2023.

**SO ORDERED.**

Dated: May 1, 2023  
New York, New York

*s/ Ona T. Wang*  
**Ona T. Wang**  
United States Magistrate Judge